

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

MOMENTIVE PERFORMANCE  
MATERIALS USA INC.,

Civil Case No. 07-cv-567 (FJS)(DRH)

*Plaintiff,*

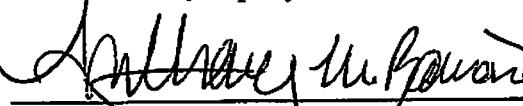
v.

ASTROCOSMOS METALLURGICAL, INC.,  
CARBONE LORRAINE EQUIPEMENTS  
GÉNIE CHIMIQUE, MERSEN f/k/a LE  
CARBONE LORRAINE, S.A., and ABC  
CORPORATION(S) 1 through 10,

STIPULATION OF VOLUNTARY  
DISMISSAL OF COUNT EIGHT  
OF THE SECOND AMENDED  
COMPLAINT ONLY

*Defendants.*

PLEASE TAKE NOTICE that the parties hereby stipulate and agree, pursuant to Fed. R. Civ. P. 41(a), that Count Eight of the Second Amended Complaint alleging a cause of action for strict product liability be and is hereby dismissed with prejudice and without costs. Pursuant to L. Civ. R. 41.3, no party hereto is an infant or incompetent.

  
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Dated: August       , 2011

  
September 16, 2011

  
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Dated: August       , 2011

SO ORDERED

  
FREDERICK J. SCULLIN, JR.  
SENIOR U.S. DISTRICT JUDGE

  
9/21/11